MR. T. P. VELAYUDHAN PILLAI:

645. To omit the allotment of Rs. 3,300 for temporary Assistant Superintendent, C. I. D, etc.

MR. E. V. KRISHNA PILLAI:

646. To omit the allotment of Rs. 3,300 for temporary Assistant Superintendent, C. I. D. etc.

MR. A. THANU PILLAI:

647. To omit the allotment of Rs. 3,300 for temporary Assistant Superintendent, C. I. D. etc.

MR. A. S. DAMODARAN ASAN:

648. To reduce the allotment of Rs. 1,44,830 for salaries by Rs. 1,620.

MR. K. P. KRISHNA MENON;

649. To reduce the allotment of Rs. 1,44,830 for salaries by Rs. 16,715.

MR. R. RAMAN PILLAI:

650. To omit the allotment of Rs. 3,289 for clerks and peons in the Assistant Superintendent's Offices.

MR. N. JOHN JOSEPH;

651. To reduce the allotment of Rs. 3,10,679 for Constabulary by Re. 1.

MR. K. PADMANABHAN:

652. To reduce the allotment of Rs 4,17,527 for establishment by Re. 1.

MR. PACODE A. NARAYANA PILLAI:

653. To reduce the allotment of Rs. 6,69,758 for District Police by Re. 1.

MR. T. P. VELAYUDHAN PILLAI:

654. To reduce the allotment of Rs. 6,70,258 for District Police by Re. 1.

MR. V. T. CHACKO:

655. To reduce the allotment of Rs. 6,70,258 for District Police by Re. 1.

MR. E. V. KRISHNA PILLAI:

656. To reduce the total allotment of Rs. 7,15,222 under Demand X by Rs. 10.

MR. K. KUNJUKRISHNA PILLAI:

657. To reduce the total allotment of Rs. 7,15,222 under Demand X by Re. 1.

MR. K. M. KRISHNAN:

658. To reduce the total allotment of Rs. 7,15,222 under Demand X by Rs. 5.

SRIMATI T. NARAYANI AMMA:

659. To reduce the total allotment of Rs. 7,15,222 under Demand X by Re. 1.

DEPUTY PRESIDENT: I put Demand X—Police, for Rs. 7,15,222 to the vote of the House.

The demand was passed and the grant made.

DEMAND XI—ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I move for a grant of Rs. 10,62,894 under Demand XI—Administration of Justice.

Motion No. 660.

MR. S. J. NAIR (*Nedumangad*): Sir, I move to reduce the allotment of Rs. 4,200 for the pay of Registrar by Re. 1 to point out the urgency of confirming the Munsiff's Court at Nedumangad.

Sir, the people of Nedumangad have been urging and agitating for the last 25 years the need for the starting of a Munsiff's Court there. Accordingly a Magistrate—Munsiff's court was started in Nedumangad in the year 1103 as a temporary measure. Subsequently, due to the

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heavy nature of the working of the Court, the Munsiff was divested of his magisterial powers and the Court was reduced to a Munsiff's Court. But that Court remains there even now as a temporary one. It ought to have been confirmed there long, long ago.

DEPUTY PRESIDENT: The allotment of Rs. 4,200 is the salary for the Registrar. The point raised shows the urgency of confirming the Temporary Munsiff's Court at Nedumangad. What has the Registrar to do with the confirmation of the Court? It ought to have been done by the Judges of the High Court.

MR. S. J. NAIR (*Nedumangad*): Sir, if only the High Court Registrar collected the necessary statistics regarding the cases that are filed in the Court and that are pending there and also placed the several memorials and petitions sent up to High Court and the Government urging the need and necessity of confirming the Munsiff's Court there, before their Honours the Judges of the High Court, they would have recommended the confirmation of the Court to the Government; and the Government in their turn would have confirmed the Court at Nedumangad long long ago. This the Registrar has either failed or refused to do. Hence I submit that the motion reducing the salary of the Registrar by Re. 1 is in order.

DEPUTY PRESIDENT: Then your contention is that the Registrar ought to have submitted before the Honourable Judges the memorials and petitions submitted for the confirmation of the Court and collected statistics of the cases filed and pending there.

MR. S. J. NAIR (*Nedumangad*): Yes, Sir. That is my contention.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, a point of order. Is the member prepared to state positively that the Registrar has not done this?

MR. S. J. NAIR (*Nedumangad*): Sir, the Honourable member has misunderstood me and he is unnecessarily interrupting me.

MR E. V. KRISHNA PILLAI (*Pattanamtitta*): I am very sorry. That is the difficulty. He is not properly understood.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether it is the duty of the Registrar or the Manager to bring these facts to the notice of the High Court? Sir, I wish to know what can be discussed under this motion. Should it not be something pertaining to the Registrar?

DEPUTY PRESIDENT: You are making a speech on a point of order. Mr. Thanu Pillai is certainly entitled to put the point of order and that point of order is whether Mr. S. J. Nair could be allowed to go on with his motion.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, one word by way of personal explanation. More than once I raised a point of order like this, but no definite ruling was given.

DEPUTY PRESIDENT: The point of order Mr. Thanu Pillai raised now as well as on previous occasions is irrelevant.

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MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, the present discussion is allowed on a motion to reduce the allotment for the pay of the Registrar. I am sorry I am not able to understand the principle underlying the rulings.

DEPUTY PRESIDENT: So far as the conduct of business is concerned, the Chair is the final authority. Power is given to the Chair by the law to dispose of points of order. Mr. Thanu Pillai has raised a question. He asked what is the principle that underlies the discussion. The Chair is invested with a certain discretion in conformity with the law. There cannot be any hard and fast rule. The rule which I now pass is that the Chair has to be satisfied as to the relevancy of a particular motion and the ground upon which that motion is made. That is the only general principle that arises. Mr. S. J. Nair is in order and he may proceed.

MR. S. J. NAIR (*Nedumangad*): Sir, the people of Nedumangad taluk have been agitating and agitating and petitioning and petitioning to the authorities concerned that the Munsiff's Court started at Nedumangad be made permanent there. The area of the taluk is 366·04 sq. miles and the population 1,57,393. The rank of the taluk amongst the other taluks in the State in point of area is 7th and in point of population 19th. We have not got sufficient means of communication also. The number of cases filed and pending before the Court is more than sufficient to confirm the Court there. Up to 20-11-1109, 688 original suits and 600 small cause suits have been filed in the Court. There are heavy arrears and also very many execution cases pending there.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know from the member from where he got the number of the suits filed up to 20-11-1109?

MR. S. J. NAIR (*Nedumangad*): Sir, I am a practising lawyer of the Court. It is not at all difficult for me to get at the exact numbers. In order to satisfy the curiosity or the doubt of the Honourable Law Member, I shall assure him that the numbers I have just given out are correct to the very figure.

DEPUTY PRESIDENT: The question is whether the member takes up the responsibility as to the correctness or otherwise of the figures. Since he does so, the figures may be accepted.

MR. S. J. NAIR (*Nedumangad*): It is a pity of pities that the authorities are not inclined to satisfy this our humble and simple demand, which is our bare necessity. We could not go on without a Court. Already the Court is there. But it is a temporary one. There is plenty of work for the Court. But it is not yet confirmed. There is the urgent necessity for a permanent Munsiff's Court at Nedumangad. So my submission on behalf of the people of the Nedumangad taluk is that the temporary Munsiff's Court there may be confirmed as early as possible.

In this connection, I have got one thing more to submit. Sir, I hear that there is a proposal to shift the additional Munsiff's Court

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at Neyyattinkara to Kuzhitturai. If this is true, I would suggest that the Additional Munsiff's Court at Neyyattinkara be shifted to Nedumangad and the Temporary Court at Nedumangad be shifted to Kuzhitturai. At Kuzhitturai a Court is required only as a temporary measure to clear up the pending arrears there. But at Nedumangad we are not satisfied with the existing temporary court.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether the people of Nedumangad are really experiencing any difficulty on account of the temporary court not being made permanent ?

MR. S. J. NAIR (*Nedumangad*) : Yes, Sir, the Temporary Court may at any moment be abolished by the Government without the knowledge of the people. So, in order to secure our cherished desire and to have peace of mind for the people of the taluk that they have got the Court that they desired, it is essential that the Temporary Court be made permanent there or a permanent court be shifted to Nedumangad and thus the demand of people is satisfied. Further there is plenty of work for a permanent Court at Nedumangad including the pending cases the new files and also arrears and execution cases.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, may I know that the arrear or the increase is due to the presence of the present presiding officer ?

MR. S. J. NAIR (*Nedumangad*): No, Sir . that view is not correct. The present presiding officer of the Court at Nedumangad is an able and experienced Munsiff and an excellent gentleman. Sir, my submission is that the Munsiff's Court be made permanent there in the interest of the people of the taluk. Either the present temporary Court should be confirmed there or the Additional Munsiff's Court at Neyyattinkara, which is proposed to be shifted to Kuzhittura, be shifted to Nedumangad and the Temporary Court there be shifted to Kuzhittura.

DEPUTY PRESIDENT : Is this a deliberate suggestion, Mr. S. J.Nair ?

MR. S. J. NAIR (*Nedumangad*): Sir, I am not particular whether the Additional Munsiff's Court at Neyyattinkara is transferred or not. It is immaterial for me. I want to see that our Court is made permanent there. Incidentally I suggested that if the proposal of the shifting of the Additional Munsiff's Court at Neyyattinkara, which is a permanent Court, to Kuzhittura is true, it may be given to us and our Temporary Court be shifted to Kuztithura. That is all. This is only a useful and convenient suggestion I make.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this motion. As the mover has stated, the Munsiff's Court at Nedumangad was established as a Temporary Court in 1103 and it is only 6 years since this was done. From information I have collected, it is seen that about 500 suits were filed on an average in the Nedumangad Munsiff's Court.

MR. S. J. NAIR (*Nedumangad*): May I know from where these figures are taken ?

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DEPUTY PRESIDENT: When a statement is half finished, why should you put questions ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Apart from the figures, I may say that the whole question of re-adjustment of the territorial jurisdiction of all the courts and their allocation is under the consideration of the High Court, arising out of the recommendations of the Law's Delays Commissioner. The Law's Delays Commissioner made certain recommendations which were accepted by the High Court. But subsequently, certain changes took place in the Department and it was considered necessary that that recommendation should be revised. For instance, recently, three Village Panchayat Courts were established. Thus there are more courts at present than there were when the Commissioner reported.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Was any of these courts established in Nedumangad ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. But in Nedumangad, the Munsiff, who was a Magistrate-Munsiff, was divested of his Magisterial functions and there is a full-time Munsiff functioning there now. How many Munsiff's Courts we want, where they should be located and what should be the jurisdiction of each, all these things have now to be considered afresh.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I rise to support the motion on the ground that several memorials have been submitted for establishing a District Court at Mavelikara and Government have promised to consider this. The Registrar was prompt in the matter of bringing this fact to the attention of the Hon'ble High Court ; and if it is seen that the recommedations of the Law's Delays Commissioner has been brought into effect, the grievances of the people of Mavelikara would have been redressed. There was another suggestion that the Tahsildar of Mavelikara may be invested with magisterial powers.

DEPUTY PRESIDENT: That has nothing to do with this.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): That is only the criminal side of the administration of justice.

DEPUTY PRESIDENT: I say that has nothing to do with the one at issue.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It is the criminal side that I am pointing out.

DEPUTY PRESIDENT: Mr. Asan should know that the Munsiffs' Courts deal only with civil cases, whether in Nedumangad or in Mavelikara. Therefore, I think, that point need not be pressed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I explain my position, Sir?

DEPUTY PRESIDENT: I am not going to allow ; moreover, in this case, I think that it is not relevant.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Just as Mr. S. J. Nair was allowed to explain his position, I may also be allowed to explain my position.

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DEPUTY PRESIDENT: The Chair might have thought it fit to allow Mr. S. J. Nair to develop certain arguments. But the point raised by Mr. Asan is not relevant. I declare that it is not relevant.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then I do not speak, Sir.

DEPUTY PRESIDENT: Anybody else?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): I rise to oppose the motion. The suggestion of Mr. S. J. Nair is that the Additional Court in Neyyattinkara be shifted to Nedumangad and thus the grievances of the Nedumangad people be tried to be mitigated. My submission is that I am not prepared to favour that proposal. Not only that, I am against shifting the Additional Court in Neyyattinkara to Kuzhittura or any other place. I may also request Government to see that this court is made a permanent addition to Neyyattinkara and not shifted to any other place.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member whether he is aware that the pendency of arrears in the Kuzhittura Munsiff's Court is greater than that at Neyyattinkara.

DEPUTY PRESIDENT: Now, you are bringing in new information.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): I am not aware of the exact number. But the arrears, so far as it relates to execution are more in Neyyattinkara than in Kuzhittura.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I regret I have to oppose this motion. For, if this House is to grant its imprimatur to the establishment of any one particular court in any given centre, this House would be deciding the issue with respect to that court without taking into consideration the comparative requirements of other centres. The distribution of courts must depend upon the comparative needs of various localities. It can be decided only on a review of the requirements of different centres.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Law's Delays Committee has gone into the question as suggested by him and decided to establish a court at Nedumangad?

MR. P. K. NARAYANA PILLAI (*Ambalapuzzha I*); That is no answer to what I said. It has recommended the establishment of courts in various centres of the State. What is the more urgent court is the question that we have to consider. Mr. Asan probably is urging the necessity of a District Court at Mavelikara. Mr. S. J. Nair is urging the necessity of establishing a court at Nedumangad. I may be urging the necessity of establishing a court at Ambalapuzha. Therefore, without understanding exactly the comparative urgency of the demand in respect of each centre, it is not quite possible to agree to the demand of Mr. S. J. Nair.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Why not all of us urge together?

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : By all means; but Mr. Nair says, 'I want my court, whatever be the fate of other centres.'

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What prevents the member from advocating——

DEPUTY PRESIDENT: May I now say, with very great reluctance—still I must say— that these questions do not advance the argument. Each person may have his own individual opinion. If a member has got his opinion, let us hear his opinion from him.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am only submitting, Sir, as I understood the previous ruling from the Chair, I think I shall not be quite irrelevant if I go on agitating for another court.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): The general demand in regard to the requirements of the State should have been pressed, if that were the case. I find much difficulty in supporting the motion as it is advanced in a spirit of isolation. If it is a joint agitation for the establishment of courts with reference to the requirements of each centre, I shall gladly support it.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Is there necessity for more courts at Ambalapuzha ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : There is need only for one. There is none now.

DEPUTY PRESIDENT: It is not very strictly relevant.

MR. S. J. NAIR (*Nedumangad*) : The Government member as well as some members on this side of the House who opposed the motion never stated that the court at Nedumangad has not got sufficient work to make it permanent there. One of my friends raised an objection that the Neyyattinkara Additional Munsiff's Court is not to be shifted. I never wanted that court to be shifted from Neyyattinkara. My only request is that the temporary court at Nedumangad may be made permanent there. Last year, this time, while we were discussing the Budget, practically the Government gave me an assurance that our temporary Munsiff's Court at Nedumangad would be made permanent. But unfortunately that promise has not yet been carried out. But anyhow the Government member in a way has given me an assurance that very soon they would look into the matter. In the face of the assurance and also in the hope that the Govetnment would see that the Munsiff's Court at Nedumangad is made permanent as early as possible in the interest of the administration of justice in Nedumangad taluk, I withdraw the motion,

DEPUTY PRESIDENT: Does the House grant permission to withdraw the motion?

The motion was, by leave of the House, withdrawn.

Motion No. 661.

The following motion was not moved :—

MR. S. J. NAIR :

661. To reduce the allotment of Rs, 1,500 for Manager by Re. 1.

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Motion No. 662.

MR. S. J. NAIR (*Nedumangad*) : Sir, I move, to reduce the allotment of Rs. 1,500 for manager by Re. 1, the object of the motion being to discuss the necessity of appointing only practising lawyers as Judicial Officers. Also only lawyers of standing and experience shall be appointed as Sirkar Vakils.

DEPUTY PRESIDENT : Does the Manager appoint Munsiffs ?

MR. S. J. NAIR (*Nedumangad*) : The Manager practically brings to the notice of the authorities the existence of vacancies when they occur. Unless men who have standing and experience in the Bar as lawyers are——

DEPUTY PRESIDENT : So you move it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It does not come under "Manager".

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Sir, I rise to a point of order whether, in view of the fact that the Manager has to bring every appointment to the notice of the Registrar and the Registrar in turn to the Judges, this motion is not in order.

DEPUTY PRESIDENT : It is not a point of order, but the expression of a doubt. I am not bound to give a ruling as to particular opinions entertained by members. I think it necessary to rule this motion out. The bringing, to the notice of Judges, memorials, petitions and other representations, is the legitimate duty of the Registrar. But the appointment of lawyers as Munsiffs and such like questions are matters of policy which does not originate from a Manager. For that reason, I rule out that motion.

Motion No. 663.

MR. K. P. KRISHNA MENON (*Parur*) : I rise to move for a reduction of Re. 1 out of the allotment of Rs. 7,740 for salaries.

The purpose of my motion is to bring to the notice of this House the extreme desirability of bringing into operation the recommendations of the Law's Delays Commission mentioned in their Report. Special reference has to be made to the change of local jurisdiction indicated in the Report. Whatever may be said in justification of the delay in giving effect to the other recommendations involving financial commitment—

MR. A. THANU PILLAI (*Trivandrum-Rural*) : A point of order, Sir. I wish to know whether the recommendations of the Committee can be discussed under salaries of officers other than the Justices of the High Court.

DEPUTY PRESIDENT : He said the salary of the Registrar and the Manager.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I wish to know whether that discussion is permissible, because they have nothing to do with the recommendations of the Law's Delays Commission.

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DEPUTY PRESIDENT: The point was mentioned and a ruling was given. But it was mentioned under the salaries of the ministerial officers and the ministerial officers have much to do in the way of taking direct action with respect to the recommendations of the Law's Delays Commission.

MR. K. P. KRISHNAN MENON (*Parur*): I cannot find any justification for not giving immediate effect to the recommendations affecting the change of local jurisdiction. The Commissioner must have made elaborate local enquiry and then suggested the change in such jurisdiction. Obviously the suggestions are meant to satisfy the convenience and needs of the people of the respective localities. While not professing to know the details of the necessity of the other local areas which are affected by the Commissioner's recommendations, speaking for Edappalli I have to bring to the notice of Government that it is very necessary to give immediate effect to the change of judicial jurisdiction of Edappalli from Perumpavoor to Parur. In point of convenience of travel for litigants and consequent financial and other advantages, the matter cannot be too strongly pressed on the attention of the House. Sir, I move therefore that necessary action should be taken to change immediately the civil jurisdiction over Edappalli from the Perumpavoor to Parur Munsiff's Court. With these few words I move the motion.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, കോടതികളുടെ അമാന്തം സഹിക്കവയ്യാതെ വന്നപ്പോൾ നാലഞ്ചു വർഷങ്ങൾക്കു മുമ്പു് ഒരു Law's Delays Commission ഏർപ്പെടുത്തിയിരുന്നു. ആ കമ്മിഷൻ മുഖാന്തിരം ഏതാനും ചില അന്വേഷണങ്ങൾ നടത്തുകയും ചെയ്തിട്ടുണ്ടു്. ഇതിന്റെ ഫലമായി കമ്മറിയിൽ നിന്നുംറിപ്പോർട്ടു ഗവണ്മെൻറിലേക്കു സമർപ്പിക്കുകയും അതിൽ അടങ്ങിയിരിക്കുന്ന ചിലശുപാർശകൾ മാത്രം നടപ്പിൽവരുത്തുകയും ഉണ്ടായിട്ടുണ്ടു്. തന്റെ സങ്കടനിവാരണത്തിനായി ഒരു കക്ഷി കോടതിയെ ശരണം പ്രാപിക്കുമ്പോൾ എത്രയും വേഗത്തിൽ ആ സങ്കടത്തിനു പരിഹാരം കിട്ടുമെന്നാണു് അവൻ കരുതുന്നതു്. എന്നാൽ കോടതികയറിയതിന്റെ ശേഷം അവൻ കോടതി കയറിപ്പോയതിൽവച്ചുണ്ടാകുന്ന സങ്കടങ്ങളുടെ പരിഹാരത്തിനായിവേറെവല്ല ആളുകളേയും ആശ്രയിക്കേണ്ടിയിരിക്കുന്നു. ഇപ്പോൾ നടപ്പിൽ ഇരിക്കുന്ന കോടതികളുടെ അമാന്തം, ഉള്ളവണ്ണംകാണുകയാണെങ്കിൽ, ഇതിൽ പരമായ ഒരമാന്തം യാതൊരു ഡിപ്പാർട്ടുമെൻറിലും ഉണ്ടാകുകയില്ല എന്നു പ്രത്യക്ഷമായി കാണാവുന്നതാണു്. എക്സ്സൈഡിപ്പാർട്ടുമെൻറിനേക്കാളും നീതിയും കണിശവും യാതൊരു വിട്ടുവീഴ്ചയും കൂടാതെ പാലിക്കുവാൻ കടമയുള്ള ഒരു ഡിപ്പാർട്ടുമെൻറു് ഈവിധം കുഴപ്പം കാണിക്കുന്നതു് ഒരിക്കലും ആശാസ്യമായിരിക്കുന്നില്ല.

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നീതിനടത്തികിട്ടുന്നതിനുള്ള താമസം നീതിയെ സാക്ഷാൽ നിഷേധിക്കുകയാണു ചെയ്യുന്നതു് എന്നൊരാപ്തവാക്യമുണ്ടു്. അതു രിരുവിതാംകൂറിനെ സംബന്ധിച്ചിടത്തോളം ഏറ്റവും വാസ്തവമാണെന്നുള്ളതു് അനുഭവമായിരിക്കുന്നു. സാധുവായ ഒരു കക്ഷി, തനിക്കു കിട്ടുവാനുള്ള സ്വല്പ സംഖ്യക്കു ഒരു കോടതിയിൽ കയറുന്നപക്ഷം, ഇപ്പോൾ സാധാരണഉണ്ടായിക്കൊണ്ടിരിക്കുന്ന നടപടി അനുസരിച്ചു്, ഈ പണം ഒരിക്കലും കക്ഷിക്കുകൊടുക്കരുതെന്നുള്ള പ്രതിയുടെ ചിന്താഗതിക്കനുകൂലമായി നീതിന്യായ കോടതികളുടെ ചട്ടങ്ങളും പ്രതിയെ സഹായിക്കുകയും അങ്ങനെ കക്ഷിക്കു് പണം കിട്ടാൻവളരെ വിഷമംനേരിടുകയും ചെയ്യുന്നുണ്ടു്. കോടതികളിൽ വരുവാനുള്ള കോർട്ടുഫീസു വരുത്തുന്നതിൽ അവർ വളരെ കണിശമുള്ളവരായിരിക്കുന്നുവെന്നല്ലാതെ സിവിൽ കോർട്ടുഫൈഡിലുള്ളതോ മറ്റു ലാ പുസ്തകങ്ങളിലുള്ളതോ ആയ യാതൊരു ചട്ടങ്ങളും അവിടത്തെ ഉദ്യോഗസ്ഥന്മാർ കേസുകളുടെ തീർച്ചക്കായി അനുസരിക്കുന്നില്ല. ഒരു കേസ്സിനെ സംബന്ധിച്ചു് എത്രമാത്രം അമാന്തം വരുത്തുന്നുണ്ടെന്നറിയണമെങ്കിൽ യാദൃശ്ചികമായി ഒരു കോടതിയിൽ ചെന്നു് ഒരു കേസിന്റെ ഫയലെടുത്തുനോക്കണം. അങ്ങനെ നോക്കുന്നപക്ഷം സാധാരണയായി ഏകദേശം നൂറു് അവധിക്കപേക്ഷകൾ ആ ഒറ്റ കേസിനു വന്നിട്ടുള്ളതായികാണാം. ഒരു കോടതിയിലെ ഒരു കേസിനു നൂറുപ്രാവശ്യം അവധിക്കപേക്ഷിക്കുകയും അതിന്റെ ന്യായാന്യായങ്ങളെപ്പറ്റി കോടതിയെ ധരിപ്പിക്കുകയും ചെയ്യുന്നതിനായി ഉപയോഗിക്കുന്ന സമയം അവധികൊടുക്കുക എന്നസംഗതി വിട്ടു് കേസു തീർച്ചചെയ്യുന്നതിനായി ഉപയോഗിച്ചിരുന്നുവെങ്കിൽ ഇരുഭാഗത്തെയും തെളിവുകൾ വാങ്ങി വാദംകേട്ടു് ആ കേസു തീർച്ചചെയ്യുവാൻ മതിയാകുമായിരുന്നു. എന്റെ അനുഭവത്തിൽ നിന്നും ഞാൻ അറിയുന്നതു് ഒരു കേസു എടുത്താൽ ഒന്നാമതായി അനേഷിക്കുന്നതു് അവധിക്കപേക്ഷയുണ്ടോ എന്നാണു്. ഇതു് ഈ കാലസ്ഥിതിക്കു ഒരിക്കലും ശരിയായ ഒരു നടപടിയല്ല. തക്കതായ കാരണങ്ങളാൽ മാത്രമേ അവധിക്കപേക്ഷ അനുവദിക്കാവൂ എന്നിരിക്കേ (affidavit) സത്യവാങ്മൂലം എന്നൊരു കടലാസുകൂടി ഉണ്ടെങ്കിൽ അതിന്റെ ന്യായാന്യായത്തെപ്പറ്റി ചിന്തിയ്ക്കാതെ ഉടൻതന്നെ അവധി അനുവദിക്കുന്നു. സിവിൽ കോർട്ടു ഫൈഡിൽ പറയുന്നതനുസരിച്ചു് തക്കതായ കാരണങ്ങളാൽ മാത്രമേ അവധികൊടുക്കാവൂ എന്നു ഹൈക്കോടതിയിൽനി

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[Mr. N. E. Varughese]

ന്നം ഒരു കർശനമായ സർക്കുലർ പുറപ്പെടുവിക്കുന്ന പക്ഷം ഇന്നു കാണുന്ന കോടതികളുടെ അമാന്തത്തിൽ വലുതായഭാഗം തീർച്ചയായും കുറയുകയും അതു് സാധുക്കളായകക്ഷികൾക്കുവളരെ രക്ഷയായിരിക്കുകയും ചെയ്യും.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : സാക്ഷികൾക്കു നടപടി നടത്തുന്നതിനും പ്രമാണങ്ങൾ വാങ്ങിച്ചു് കേസ്സിലേക്കു ഹാജരാക്കുന്നതിനുംവേണ്ടി അവധിയ്ക്കുപേക്ഷകൊടുത്തു് സമയം വാങ്ങിയ്ക്കാതിരുന്നാൽ അതു് കക്ഷികൾക്കു് വളരെ ഉപദ്രവകരമായി വരുകയില്ലേ?

MR. N. E. VARUGHESE (*Tiruvalla I*) : അങ്ങനെയുള്ള അപേക്ഷകൾ യാതൊരു പ്രമാണവുമില്ലാതെ നിസ്സാരമായി തള്ളിക്കളയുന്നതു ശരിയല്ല. എന്നാൽ ഇതേപ്പറ്റി ഒരു സർക്കുലർ മൂലം മുന്നറിവുകൊടുക്കുകയും ഏതെങ്കിലും ഒരു പ്രമാണത്തെ അടിസ്ഥാനമാക്കി അവധിയ്ക്കുപേക്ഷകൾ സ്വീകരിക്കുകയും ചെയ്യുകയാണെങ്കിൽ, ഇങ്ങനെയുള്ള അപേക്ഷകൾ വളരെ ചുരുക്കമായിട്ടേ കോടതികളിൽ വരുകയുള്ളൂ എന്നാണു് എന്റെ പൂർണ്ണവിശ്വാസം.

MR. K. PADMANABHAN (*Chirayinkil I*): I am inclined to support the motion before the House. The litigant public in Travancore has been put to considerable hardship on account of the inordinate delay in the administration of justice in various courts. It was with a view to rectify this state of affairs and to find out substantial ways and means to remedy this delay, the Law's Delays Commissioner was appointed. I think that the Commissioner submitted his Report some three or four years ago and it is regrettable that the Government have not yet acted up to those recommendations. Various methods have been suggested by the Law's Delays Commissioner, such as the re-allocation of various courts, and the readjustment of territorial jurisdiction of the various existing courts, and the establishment of new courts in those parts where they are badly in need.

This House to-day, Sir, discussed the motion of Mr. S. J. Nair. His motion was for the confirmation of a Temporary Munsiff's Court in Nedumangad. There are several other places in the State where the need for a Munsiff's Court is equally bad. If the recommendations of the Law's Delays Commissioner were given effect to, this House could have today saved Mr. S. J. Nair's motion. Once again requesting the Government to pay their serious attention to this matter, *i. e.*, to solve the problem raised by the Law's Delays Commissioner I heartily support the motion.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I rise to support the motion. But it has been a matter for surprise to several of the members of the legal profession, that, even though the Report of the Law's Delays Commission was received by Government a long time back, they have not yet brought it into effect.

Many of the causes of delays pointed out in the Law's Delays Commissioner's Report are, it is universally admitted, not peculiar to Travancore. Remove these evils, is to say the least of it, not to understand the subject at all—the delays and their causes. It is only by that hearty and healthy co-operation between the Government and the High Court that the High Court can do anything appreciable in that direction. The Government, on the other hand, are found in several instances to usurp the powers of the High Court in matters administrative. This undermines the prestige of the High Court and exposes it to attack by the public or their representatives. One thing I may state, and that with all possible emphasis, that it is not in the interests of justice that the representatives of the public should make wanton attacks on the High Court. That Court being the highest court of justice in the State must be permitted to administer justice in the manner and to the extent they deem best in their judgment. Threat of criticism is tantamount to an attempt to deflect the even course of justice from its austere progression along its straight and open path. The confidence of the public in the justice that they obtain is the foundation on which the fabric of society is constructed and maintained. An attack on the judiciary, especially of the High Court, which is the fountain head of all justice in our State, is an injury done to the people, more than an insult offered to that noble institution. It creates panic in the public mind, it breeds contempt of lawful authority, it creates incalculable injury by lowering us in the estimation of ourselves and that of others.

DEPUTY PRESIDENT: The member is out of order, because this Assembly did not advert to this subject.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I was present here throughout the Session. From 12 'o clock on 9-12-1109 I was listening to the speeches of some Honourable members of this House and it pained me to hear some responsible members impeaching the integrity of the High Court.

DEPUTY PRESIDENT: Does it not conform to the law?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, it has been said that even though under Section 27 of the Legislative Reforms Regulation, no action shall be maintained against any member in the Assembly for anything said or done in the Assembly, it has been ruled that that privilege is not absolute, but always controlled by good sense and decency. If that is so, is not public interest a more paramount restriction on the liberty of speech of the Honourable members of this House?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, is there any privilege that cannot be controlled by good sense and decency?

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MR PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Yes, as far as the Statute is concerned, Sir, the privilege is absolute. So far as public interest is concerned, the speaker is to qualify his privilege even though he is immune from proceedings in contempt.

DEPUTY PRESIDENT: Absolutely out of order. The only question before the Chair now is as to how the Law's Delays Commission Report is to be worked out.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : That is to be achieved not by condemning the High Court. If Government would only accept and act up to the spirit of the recommendations in the Report, delays in law would be avoided. The public as well as their representatives here are bound in justice to see that themselves and others do not pull down that noble institution from the high pedestal on which it is at present maintained and cause further delays in law.

DEPUTY PRESIDENT : You are entirely in order. You may proceed.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It is only thus, Sir, that this evil could be remedied and for that purpose I would suggest that the judiciary in the State must be so maintained that it is independent of the executive. The public have implicit confidence in the justice that is administered by the High Court.

In this connection, I have to draw the attention of this House to some of the observations made in the Police Administration Report about the delays and irregularities in the administration of criminal law by the Magistracy. In stating that the average number of days taken by the Magistracy for the disposal of a case charged by the Police is 124, which is 10 more than that for the previous year, the Commissioner of Police at page 19 of the report for 1108 says .—

> "I have had not the leisure to look into the causes of this apparent slothfulness and to locate where the fault lies. Police parties, tactics of the legal profession and too much indulgence to them by the courts may be responsible."

Here not only the Courts, but even the noble profession of law is attacked. At page 18 of the report, in referring to cases sent on to Police under Sections 138 and 180 of the Criminal Procedure Code, it is stated :—

> "Attention of Magistrates being invited to minimise such references as it entails enormous waste of time of the Police which might be turned to better purposes."

At page 22 the correspondence of the Magistracy with the Police is termed acrimonious. At page 24 the punishment awarded by the Magistracy is said to be not commensurate with the gravity of the offence. This sort of attack by the Police is not a novelty, so far as the Police are concerned.

In the case reported in 24 T. L. J. 639 at page 644, it is stated by the Honourable High Court that :

> "The Police were merely making an attempt to throw dust on the Magistrate in order to justify their own slackness."

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Such conduct on the part of the Police cannot in my judgment be viewed with equanimity. I need hardly say that the purity of the administration of justice in any country depends on the integrity and independence of its judicial tribunals and it would be a most disastrous thing if the notion gains currency that the Police are directly or indirectly allowed to control the actions of the subordinate Magistracy and tamper with the even course of justice in this country.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Whose judgment is that ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The member is insinuating, Sir. The member is not in order.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : Sir, I am asking only as a matter of personal explanation. If the member is willing, he may give the answer.

DEPUTY PRESIDENT : It is quite legitimate on the part of a member of the House to put question as to particulars of judgment. It depends upon the particular judge who wrote it. I don't think Mr. S. Krishna Pillai is justified in seeing any insinuation in it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, it is a judgment written by one of the Judges of the Honourable High Court and to me it is as good and binding irrespective of as to who wrote it.

This is the way in which the judiciary is being attacked.

DEPUTY PRESIDENT : I don't hear anybody attacking the judiciary.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, I have in contemplation all the speeches delivered in this House from the first day of its sitting in this Session. I know how cruel some of the members were.

MR. N. E. VARUGHESE (*Tiruvalla I*) : യാതൊരുകാരണവശാലും ഈ ജുഡീഷ്യറിയുടെ പ്രവൃത്തികളെപ്പറ്റി വിമർശനംനടത്താൻ പാടില്ലാ എന്നാണോ മെമ്പറിന്റെ അഭിപ്രായം?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I am sorry, Sir my speech is not followed by the learned member. I cannot state again what I have said. I can only answer if time permits.

DEPUTY PRESIDENT : Mr Varughese, please put your question.

MR. N. E. VARUGHESE (*Tiruvalla I*) I put it loudly, Sir. As long as I put it loudly, I am not prepared to ask any more.

DEPUTY PRESIDENT : I am very sorry that Mr. Varughese is not courteous. Mr. Varughese put a question and it is quite legitimate to say that he is not heard and the Chair has a necessity to say to Mr. Varughese to put that question again. Please do so out of courtesy to the Chair and the House.

MR N. E VARUGHESE (*Tiruvalla I*) : പ്രസിഡൻറവർകളുടെ അഭിപ്രായത്തെ ആദരിച്ചു ഞാൻ രണ്ടാമതും ചോദിക്കുന്നു. യാതൊരു കാരണവശാലും ജുഡീഷ്യറിയുടെ പ്രവൃത്തികളെപ്പറ്റി വിമർശിക്കുന്നതു് ശരിയല്ലെന്നാണോ മെമ്പറിന്റെ അഭിപ്രായം?

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): അങ്ങനെ പാടില്ലെന്നെനിയ്ക്കഭിപ്രായമില്ല. എന്നാൽ, ഒരു ന്യായാധിപസ്ഥാനത്തുനിന്നുമുണ്ടായ വ്യക്തികളേയൊ പ്രവൃത്തികളേയൊ പറ്റി പൊതുജനങ്ങളുടെയിടയിൽ അപഹാസ്യവും അനാദരവും ഉണ്ടാകുന്നതക്കവിധത്തിൽ യാതൊരുമെമ്പറും പബ്ലിക്കിന്റെ ഇടയിൽ വിമർശനംനടത്തുന്നതിനു ന്യായവും നീതിയും അനുവദിക്കുന്നില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, an interesting question has arisen from the speech of my friend, Mr. Krishna Pillai. I have the greatest respect for the High Court and the rest of the judiciary. But at the same time I maintain that this House has got every right to discuss freely and frankly the working of the Judicial Department inclusive of the High Court in the same way as the working of any other Department.

Sir, it is well known that there is a lot of delay in the disposal of cases. Many causes contribute to this condition of things. I wish in this connection to refer to a very important matter. It is a long time since this very important branch of the administration has been left without a permanent head. Government tell us that they are anxious to put an end to law's delays. But it is difficult to believe they are sincere in saying so when we see that for much over a year they have not seen to the appointment of a permanent Chief Justice. Sir, I would guard myself against being understood as pleading for anybody or against anybody. I am not concerned with personalities . but I want to see that the judicial administration is entrusted to the charge of a permanent Chief Justice.

It is said that there is a lot of delay in the disposal of cases. Sir can it be expected that an acting officer, whoever he may be, will be able to exercise that amount of control over the officers of the department, which he will be able to exercise, if he is a permanent Chief Justice ? This is not a minor matter. From the Administration Report, I find that Mr. Chatfield, the Chief Justice was permitted to resume charge after leave on 2-1-1108, continue till 21-10-1108 and then retire from service ; since then there has been no permanent Chief Justice. Either the acting incumbent should be confirmed or if for whatever reasons that arrangement is not found feasible, another permanent officer should be appointed. If Government are not prepared to do that, we would like to know who is really at fault in not doing it. And this is a matter which ought to have engaged the attention of the Government long long ago. I hope Government will not delay this any longer.

Coming to the question of delays, I would suggest that effective steps should be taken. In the High Court itself the accumulation of arrears is something that is really terrible. If it is found that the appointment of a larger number of officers, both in the High Court

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and in the subordinate courts, can alone cope with this accumulation of arrears, I say that Government should boldly take that step. I am not for the creation of unnecessary appointments; but it appears that, unless the arrears are cleared and the files are made normal, there will be no end to this trouble. So, the Government ought to see that the arrears are cleared. And if, for this purpose, more officers are found necessary to be appointed, they must do so. Government are creating unnecessary appointments, such as the Director of Guests Department. If money can be spent upon such unnecessary appointments, why not allot the necessary funds for this purpose so that the arrears will be fully cleared in a year and thus the department put in normal working condition ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is not the member aware that from the 10th Vrischigom onwards there are going to be only 6 Judges and not 7 Judges in the High Court ?

MR. A. THANU PILLAI (*Trivandrum—Rural*): No. If arrears are not cleared, the department will not work satisfactorily.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I wish to speak a few words on this motion. Sir, the Law's Delays Commissioner has already submitted his Report. The Government were stating, on every occasion in which this matter came up, that they were considering the proposals. We were also given to understand that the High Court were asked to make recommendations on the Report. Since the High Court submitted their recommendations on the Law's Delays Commissioner's Report, except the introduction of one solitary piece of legislation, the Civil Courts Regulation Amendment Bill, I do not think any action was taken by the Government to implement the recommendations made by the Law's Delays Commissioner. And responsible members, who ought to know better are making, vague, unsubstantiated and wild attacks on the High Court for anything and everything. These people have not the strength or courage of their convictions to come forward and point out that Government are ultimately responsible for the delay and other defects of the judicial administration in the State. Under these circumstances, it is pusillanimous to throw all the blame on the High Court. I may say that such conduct is puerile.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether the member is in order in using the word " puerile " when he refers to other members ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Yes, Sir, I maintain that such conduct is nothing but puerile, and I repeat that such conduct is puerile. When actually the Government are responsible for certain defects, it is no use to find fault with the High Court. If you have got the courage of your convictions, you must point out boldly where the fault lies. If you are not able to do that, if you are too timid to do that, then you must shut up your mouth and keep silent.

DEPUTY PRESIDENT You are casting aspersions on the members who have spoken. I do not find anything precedent which would justify that statement. Mr. Kunjukrishna Pillai will be quite at liberty to

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[Deputy President]

argue that point without accusing the people for not making that right. The question before the House is whether the Judiciary is doing its work.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I say that for the delay in judicial administration the High Court are not responsible. But the Government are responsible because they have not acted up to the recommendations of the Law's Delays Commissioner, and some member out of cowardice was attacking the High Court. Sir, if the Chair asks me to substantiate this statement, I am prepared to give out the name of the member who did so.

DEPUTY PRESIDENT : I do not ask you to do that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : The point for consideration is, who is responsible for the continuance of this delay in judicial administration. Is it the judiciary or is it the Government ? The Law's Delays Commissioner has sent his report; the High Court have sat over it and sent in their recommendations to Government. These recommendations are not acted up to except in very small details. Who is responsible for the delay or insufficiency in the disposal of cases, if Government are not prepared to do anything on the recommendations of the Law's Delays Commissioner ? It is no good, Sir. It is not going to solve the problem. It may be profitable, it may be easy, and it may not be prejudicial sometimes if one makes an attack on the Judges of the High Court. For, they may not be in a position condescened, to give a reply to these attacks, or to defend themselves on the floor of this House.

MR. A THANU PILLAI (*Trivandrum — Rural*) : As for that, are the officials, who are not members of this House, not in the same position as of the High Court Judges ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : They may be.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I am referring to the Agricultural Director.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : He is a member of this House and a member of the State Council.

DEPUTY PRESIDENT : That a member is a member of the Sri Chitra State Council has nothing to do with the discussion about him in this House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I stress on the attention of Government that the proposals of the Law's Delays Commissioner and the recommendations made on them by the High Court should be implemented without delay. With these words, I resume my seat.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : The motion before the House is that there must be a readjustment of territorial jurisdiction of certain courts as proposed by the Law's Delays Commissioner. In making that motion, it was pointed out that it involved nothing like any serious expenditure by bringing into force the recommendations

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of the Law's Delays Commissioner. With respect to that, I am perfectly at one with Mr. Krishna Menon and I am supporting his motion. Other matters brought up in the course of the discussion do not arise for consideration.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, in regard to the first point, *viz.*, the readjustment of the jurisdiction of the courts and the allocation of the courts, it is no doubt true that the Law's Delays Commissioner made certain recommendations. As regards the readjustment, the High Court fully accepted these recommendations but in the meanwhile something happened which made it necessary that this should be reconsidered.

Certain Village Panchayat Courts were established in the meanwhile, *viz* , at Eraniel and Shertala and one other place and the jurisdiction of certain Village Panchayat Courts was extended and also certain Munsiff-Magistrates were divested of their magisterial functions. From these it may be taken that the number of cases that may come for disposal as estimated at the time of the Law's Delays Commissioner's investigation may not be quite the same now and what was reported may not apply to the conditions as they are at present.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : May I know from the Law Member whether there are not centres which are unaffected by the changes that have been now referred to by the Law Member?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is possible ; but it is for the High Court to say it at the outset. In regard to such matters, Government rely and have to rely on the High Court ; and Government have asked the High Court whether they would revise their recommendations in the light of the subsequent events.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : May I know when their communication was sent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That was sent about a year ago.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Did the Government receive a reply ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government have not received any reply.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Was the communication sent about a year ago ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Were any reminders sent to the High Court ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Two reminders have been sent.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Was any explanation called for from the High Court ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, Sir, we respect the High Court much more than those who profess to respect the High Court.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I take objection to that word "profess to respect High Court". A motive is attributed. It ought to be that we respect the High Court and not profess to respect the High Court.

DEPUTY PRESIDENT : Mr. Kayalam Paramesvaran Pillai is quite in order because all of us have been present here when very strong adjectives were used by various speakers. I have been very carefully listening to all that was said.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Not against the High Court but for the High Court.

DEPUTY PRESIDENT : Against the High Court and for the High Court ; and I should not be disturbed by remarks of an irresponsible character. What I want to say is that the adjectives may have an effect, but it is difficult to weigh in a balance the particular way a member has used the adjectives. I am carefully listening to all that is said and I am in a position to say that nothing which was absolutely wrong is permitted. Adjectives may sometimes have their effect. It will be difficult to weigh in the balance any particular adjective and find its exact weight. I have been carefully listening and I am in a position to say that the use of that word "profess" is absolutely parliamentary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have received information from the High Court that they have taken up the matter and are considering the readjustment of the jurisdiction of subordinate courts, and Government are expecting a reply soon. Perhaps I may suggest that, even if the High Court makes a recommendation, it may be considered a little premature for one reason. The Assembly is just now having before it a Bill to enhance the jurisdiction of the Munsiffs and certain other matters. This House will have to consider that Bill very probably in the next Session. If that Bill is passed, the number of courts required may be substantially affected, and we can't say anything definite just now. But I fully sympathise with Mr. Krishna Menon. I assure Mr. Krishna Menon and his supporters that these matters will be seriously considered by the High Court. But it may require some little time.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : May I know from the member for how many High Court Judges provision has been made in the budget ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : For seven Judges.

Then, Sir, with regard to the question why all the recommendations of the Law's Delays Commission have not yet been given effect to, I must tell that neither the High Court nor the Government are at fault in this matter. The High Court is as a matter of fact taking all reasonable steps to carry out those recommendations.

One member referred to the question of recruitment of judicial officers, which was a subject of recommendation by the Law's Delays

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Commissioner. I can say that the recommendations of Law's Delays Commission in this matter have been considered by the High Court, and Government have passed orders thereon.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether a person who has passed his 60th year can be recruited from the Bar?

DEPUTY PRESIDENT: Everything stated or not stated in the report of the Law's Delays Commission is not relevant here. There is no proposal like that. So I rule that question out of order.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then Sir, with regard to certain other recommendations, I have received information from the High Court that they are issuing circulars and instructions to the subordinate courts for minimising delays. I have also received information that the pendency of arrears in the High Court has gone down this year; and generally speaking the pendency of arrears in the lower courts has gone down, although, in some places, in the Munsiff's courts, it has slightly increased. I request the House not to go away with the impression that nothing has been done in the matter of the Law's delays. A good deal *has been* done and things are being done even now.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the member has anything to say on the point raised by Mr. Thanu Pillai?

DEPUTY PRESIDENT: He cannot say anything about the Chief Justice, as to whether he is not doing his duty properly, or about the nature of his office. You need not answer that question. An acting man can never be permanent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The pendency of arrears in the High Court has gone down. The High Court has definitely stated that.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What about the subsequent cases of this year?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No figures are available.

MR. K. P. KRISHNA MENON (*Parur*): On the assurance of the Law Member that this matter will be favourably considered, I withdraw the motion.

The motion was, by leave, withdrawn.

Motions Nos. 664 and 665.

The following motions were not moved.

MR. S. NILAKANTA PILLAI:

674. To reduce the allotment of Rs. 36,055 for permanent clerical staff by Re. 1.

MR. R. RAMAN PILLAI:

665. To reduce the allotment of Rs. 7,092 for temporary Stenographers by Rs. 3360.

Motion No. 666.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapallai II*): I move my motion to reduce the allotment of Rs. 7,092 for temporary stenographers and clerks etc., by Rs. 3,360.

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[Mr. V. Ramakrishna Panickar.]

Sir, the idea of employing stenographers in the High Court seems to have originated during the regime of Dewan Mr. Raghaviah. Then four law graduates seem to have been selected from the High Court staff and trained at Government cost in short-hand and type-writing. But these trained hands were not made use of by the Judges who were quite content with the ordinary typists. The question seems to have cropped up again for consideration before Dewan Mr. V. S. Subramonia Iyer who, knowing, from his experience as a judge, that judges are not accustommed to dictate judgments off-hand, declined to sanction the appointment of stenographers. It was during the time of Mr. Austin that the present appointments were made. I think it was in Dhanu last year. Some six months ago, I sent up certain questions to Government with a view to ascertain whether there were any prescribed rules as to the qualifications, general or technical, about these appointments. But the questions did not come up for being answered in this House; so I had to repeat the questions with no better results. The pay of these stenographers appears to be fixed in the scale of Rs. 40 to 70, while the pay of the ordinary typists seems to be between Rs. 20 and 35. These stenographers were appointed with a view to expedite the disposal of these cases in the High Court. My point is that there is no need for their continuance as the judgments are being written by the judges themselves, and these stenographers are not doing the work for which they are appointed. Therefore there is no need for the continuance of their services in the High Court.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even to-day I have received information from the Honourable Chief Justice that the stenographers are being used.

MR. M. SIVATANU PILLAI (*Tovala*): I rise to oppose the motion. The stenographers are very useful in the High Court not only for taking down judgments but also for recording arguments and hearings of cases in the High Court, and I understand that the judges are making great use of them.

MR. S. J. NAIR (*Nedumangad*): I support the motion. The judges are not to be permitted to dictate judgments off-hand to these stenographers in the interests of confidence.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The law allows the judges to dictate judgments. We must accept the law for the present and must permit the use of the stenographers.

MR. S. J. NAIR (*Nedumangad*): May I know, Sir, whether, in the case of judgments dictated to stenographers, the result of the judgments will not be out before they are delivered?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not impossible, but it is not likely.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether more judgments are being pronounced after the appointment of stenographers than before?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : More cases are being disposed of.

DEPUTY PRESIDENT : Do you press the motion ?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : In the nature of the circumstances stated by the Law Member, I beg to withdraw my motion.

DEPUTY PRESIDENT : The question is whether the House allows the motion being withdrawn.

The motion was, by leave, withdrawn.

Motions Nos. 667 to 763.

The following motions lapsed on account of time-limit.

DEMAND XI—ADMINISTRATION OF JUSTICE.

MR. S. J. NAIR :

667. To omit the allotment of Rs. 7,092 for temporary stenographers and clerks, etc.

MR. N. JOHN JOSEPH :

668. To reduce the allotment of Rs. 9,324 for Process and other establishment by Re. 1.

MR. K. PADMANABHAN :

669. To reduce the allotment of Rs. 52,735 for establishment by Re. 1.

MR. M. MAHOMED HANEEF :

670. To reduce the allotment of Rs. 52,735 for establishment by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :

671. To reduce the allotment of Rs. 2,000 for travelling allowance by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :

672. To reduce the allotment of Rs. 2,000 for travelling allowance by Re. 1.

MR. N. E. VARUGHESE :

673. To reduce the allotment of Rs. 2,000 for travelling allowance by Rs. 10.

MR. N. E. VARUGHESE :

674. To reduce the allotment of Rs. 1,500 for office expenses and miscellaneous by Rs. 10.

MR. K. KUNJUKRISHNA PILLAI :

675. To reduce the allotment of Rs. 72,117 for High Court by Re. 1.

MR. A. S. DAMODARAN ASAN :

676. To reduce the allotment of Rs. 72,117 for High Court by Re. 1.

MR. M. N. NAIR :

677. To reduce the allotment of Rs. 72,117 for High Court by Re. 1.

MR. K. PADMANABHAN :

678. To reduce the allotment of Rs. 72,117 for High Court by Re. 1.

MR. K. PADMANABHAN :

679. To reduce the allotment of Rs. 72,117 for High Court by Re. 1.

MR. S. J. NAIR :

680. To reduce the allotment of Rs. 72,117 for High Court by Re. 1.

MR. S. NILAKANTA PILLAI :

681. To reduce the allotment of Rs. 72,117 for High Court by Rs. 5.

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MR. A. THANU PILLAI:
682. To reduce the allotment of Rs. 72,117 for High Court by Re. 1.

MR. T. P. VELAYUDHAN PILLAI:
683. To reduce the allotment of Rs. 72,728 for High Court by Re. 1.

MR. V. K. VELAPPAN NAIR:
684. To reduce the allotment of Rs. 1,53,982 for High Court by Rs. 5.

MR. N. JOHN JOSEPH:
685. To reduce the allotment of Rs. 22,356 for Bench clerks, etc., under Judges' Court—Establishment by Re. 1.

MR. N. JOHN JOSEPH:
686. To reduce the allotment of Rs. 6,204 for Head Clerk, Nazir, etc., under Munsiffs' Courts—Establishment by Re. 1.

MR. K. PADMANABHAN:
687. To reduce the allotment of Rs 7,43,330 for Civil and Sessions Courts by Re. 1.

MR. E. V. KRISHNA PILLAI:
688. To reduce the allotment of Rs. 7,49,330 for Civil and Sessions Courts by Rs. 10.

MR. PACODE A. NARAYANA PILLAI:
689. To reduce the allotment of Rs. 7,49,330 for Civil and Sessions Courts by Re. 1.

MR. S. J. NAIR:
690. To reduce the allotment of Rs. 27,000 for Magistrates by Re. 1.

MR. S. J. NAIR:
691. To reduce the allotment of Rs. 27,000 for Magistrates by Re. 1.

MR. S. NILAKANTA PILLAI:
692. To reduce the allotment of Rs. 827,75 for salaries by Rs. 5.

MR. PACODE A. NARAYANA PILLAI:
693. To reduce the allotment of Rs. 93,044 for Criminal Courts by Re. 1.

MR. KAINIKKARA M. PADMANABHA PILLAI:
694. To reduce the allotment of Rs. 94,844 for Criminal Courts by Re. 1.

MR. E. V. KRISHNA PILLAI:
695. To reduce the allotment of Rs. 18,000 for District Court Sirkar Vakils by Rs. 10.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI:
696. To reduce the total allotment of Rs. 10,62,894 under Demand XI by Re. 1.

MR. K. M. KRISHNAN:
697. To reduce the total allotment of Rs. 10,62,894 under Demand XI by Rs. 5.

SRIMATI T. NARAYANI AMMA:
698. To reduce the total allotment of Rs 10,62,894 under Demand XI by Re. 1.

DEMAND XII—GENERAL ADMINISTRATION EXCLUDING ACCOUNT OFFICE AND LEGISLATIVE BODIES.

MR K. SANKARAN:
699. To reduce the allotment of Rs. 3,875 for the Secretary to the Sri Mulam Assembly by Re. 1.

MR. K. SANKARAN:
700. To reduce the allotment of Rs. 17,063 for Assistant Secretaries by Re. 1.

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